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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,759	05/26/2004	Donald A. Collins JR.		2998
43356	7590	10/04/2004		EXAMINER
DONALD A. COLLINS, JR. 387 CHESTATEE VIEW DRIVE DAWSONVILLE, GA 30534			LABAZE, EDWYN	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/709,759	COLLINS, DONALD A.
	Examiner EDWYN LABAZE	Art Unit 2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 May 2004.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-10 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5262004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Receipt is acknowledged of IDS filed on 5/26/2004.
2. Claims 1-10 are presented for examination.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss (U.S. 6,722,562).

Re claim 1: Weiss discloses method for accurate and secure voting, which includes an automated teller machine/ATM 12, 13, 14 (as shown in fig. # 1), a voting server 16 (col.3, lines 10+). Weiss further teaches that the ATM are accurate and well controlled means of depositing money to accounts, wherein the same machines could be used to deposit votes to a candidate's account (col.2, lines 15+).

Weiss fails to specifically teach means of transferring funds to a candidate's secure bank account.

However, since the system (through the ATM and provided software) is designed to control means of depositing money to accounts, wherein the same machines could be used to deposit votes to a candidate's account, the specific structure of depositing money or transferring

funds into a candidate's secure bank account falls within a simple modification of the ATM software.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Weiss means of transferring funds to a candidate's secure bank account for the purpose of registering a vote. Furthermore, such modification [through some adjustment of the ATM software in cooperation of the voter's and candidate's financial institutions] would allow the voter while contributing money/donation [as a well known and legalized act by the federal government] to register to vote for the candidate to whom the money/donation is being transferred, and also such modification would permit the board to election to accurately obtain a poll of the voter's choice before and/or during the elections. Moreover, such modification would have been an obvious extension as taught by Weiss, therefore an obvious expedient.

Re claim 2: Weiss teaches a system and method, wherein said existing financial system hardware, software, keyboard, display, or printer is used to view, select, or record voter choices (col.2, lines 20-33).

Re claim 3: Weiss discloses a system and method, wherein the existing financial system software, hardware, and network is used to register a vote during a predefined time duration (col.2, lines 40-67).

Re claim 4: Weiss teaches a system and method, wherein said existing financial system software, hardware, and network is used to transport a programmable ballot image [which is used for absentee voters] for use by the voter to register a vote (col.3, lines 25-36).

Re claim 5: Weiss discloses a system and method, wherein said existing financial system software, hardware, and network is used to display a programmable ballot image on a touch screen or display system used by said voter to register a vote (col.3, lines 1+).

Re claim 6: Weiss teaches a system and method, wherein the existing financial system including automatic teller machine 12, 13, 14 located at a bank, gas-station, grocery store, or other conveniently accessible location [herein Weiss discloses the ATM system with adequate security could used at any location on the globe] is used to register a vote (col.3, lines 33+).

Re claim 7: Weiss discloses a system and method, wherein the existing financial system includes using a personal computer [herein Weiss discloses that it would be possible to connect the ATM system to a server using the Internet, wherein a voter would need a personal computer to utilize said voting system] to register a vote (col.3, lines 25-30).

Re claim 8: Weiss teaches a system and method, wherein the existing financial system hardware, regardless of local, is used to print a paper receipt that contains the voter's choices (col.1, lines 50+).

Re claim 9: Weiss discloses a system and method, wherein the voter's electronic or paper bank account statement shows voter's past voting activity for the statement period (col.1, lines 50+).

Re claim 10: Weiss teaches a system and method, wherein the candidate's electronic or paper bank account [Weiss discloses that the ATM voting system is to be used as if a voter is conducted any regular banking operation and the software is designed to print receipt or statement showing voter/user selections] statement shows cumulative voter activity for the

candidate and can be used to show real-time, accurate election results for that candidate (col.2, lines 50+).

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lambert (U.S. 6,572,014) discloses method and apparatus for non-intrusive biometric capture.

Lane Poor, Jr. et al. (US 2002/0161628) teaches voter feedback and receipt system.

Chernomorov (US 2002/0194060) discloses method for carrying out votes, referendums and polls and system for the implementation thereof.

Glover (US 2003/0052160) teaches use for ATMs as voting machines.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395.

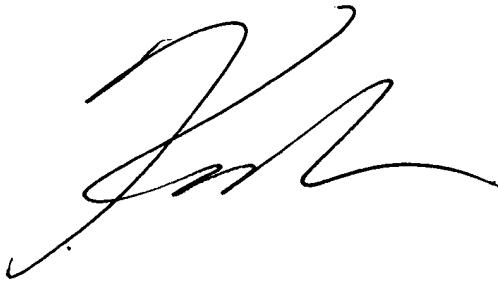
The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2876

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el  
Edwyn Labaze  
Patent Examiner  
Art Unit 2876  
September 27, 2004



KARL D. FRECH  
PRIMARY EXAMINER